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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/614,130 | 07/08/2003 | Kiyoshi Takezawa | 46449.0002 | 2400 |
| 35181 | 7590 | 06/01/2005 | EXAMINER | |
| CONOCOPHILIPS COMPANY | | | BURNHAM, SARAH C | |
| P.O. BOX 2443 | | | ART UNIT | |
| BARTLESVILLE, OK 74004 | | | PAPER NUMBER | |
| | | | 3636 | |

DATE MAILED: 06/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/614,130

Applicant(s)

TAKEZAWA ET AL.

Examiner

Sarah C. Burnham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13 and 14 is/are allowed.
- 6) ☒ Claim(s) 1-7,9-12 and 15 is/are rejected.
- 7) ☒ Claim(s) 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "hook portions positioned at both ends of the bent portions" must be shown or the feature(s) canceled from the claim(s). The drawings currently show bent portion located at both ends of the straight portions and hook portions located at one end of the bent portion. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 7, 9-11 and 15 are rejected under 35 U.S.C. 103(b) as being anticipated by Lhuissier et al. (5,641,204) in view of Maruyama (4,718,718). With respect to claim 1, Lhuissier et al. discloses a seat (1) comprising: a pad assembly (3) having a main portion (unlabeled) and side portions (8), the main portion being interposed between the side portions (8), the side portions including boundary portion pulling slots (9) wherein boundary portion insert wires (11) are disposed along bottom portion (unlabeled) of said boundary portion pulling slots (9), and the main portion (unlabeled) including a main portion pulling slot (10) disposed substantially perpendicular to the boundary portion pulling slots (9); a cover assembly (20) covering a surface (4)(6) of the pad assembly (3), the cover assembly (20) including boundary portion pulling strips (26) pulled into the boundary portion pulling slots (9) and a main portion pulling bag (27) (given that it is a "sheath" as described in column 4, line 57) pulled into the main-portion pulling slot (10), wherein boundary portion end wires (30) are stitched onto said boundary-portion pulling strips (26) and fixed to said boundary portion insert wires (11) by way of rings (29); and a main-portion end wire (32) inserted

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into the main portion pulling bag (28), the main portion end wire (32) having a straight line portion (unlabeled) located within pulling bag (27) and bent portions (unlabeled) making the transition between the straight-line portion and the hook portion (33), the main-portion end wire (32) being placed into the main-portion pulling slot (10) with the bent opposite end portions (unlabeled) linked, by way of hooks (33), with the boundary-portion end wires (30) respectively.

With respect to claim 2, each of said boundary portion end wires (30) stitched onto said boundary portion pulling strips (26) is a single wire.

With respect to claim 3, said main-portion end wire (32) hangs said main portion pulling bag (27) into said main portion pulling slot (10) by bending reaction force generated by bending said opposite end portions (33) of said main portion end wire (32).

With respect to claim 7, each of said boundary-portion end wires (30) is formed from a single wire, wherein said bent opposite end portions (33) of said main-portion end wire (32) are linked with intermediate portions (unlabeled) at holes (28) (see figure 3) of said boundary portion end wires (30) respectively.

With respect to claim 9, said at least one insert wire (11) is formed from a U-shaped single wire in that it is an embedded "stiff metal wire 11 which follow the outline of the three slots 9 and 10" (column 3, lines 27-28).

With respect to claim 10, Lhuissier et al. discloses a seat (1) comprising: a pad assembly (3) having a plurality of pulling slots (9)(9)(10) extending in directions crossing one another; and a cover assembly (20) having a plurality of pulling strips and bags

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(26)(26)(27) pulled into said pulling slots (9)(9)(10) correspondingly and respectively so that said cover assembly (20) covers a surface (4)(6) of said pad assembly (3); wherein at least one insert wire (11) is embedded in bottom portions of said pulling slots (9)(9)(10), while end wires (30)(32) are inserted into all of said pulling strips and bags (26)(26)(27); wherein at least one said end wire (32) includes a main-wire end portion having a straight-line portion (i.e. the portion located within pulling bag (27)) and bent portions (unlabeled) making the transition between the straight-line portion and the hook portions (33) and wherein said bent portions of said main-wire end portion are inserted into one of the pulling bags (27) and pulled into said at least one pulling slot (10), said bent opposite end portions (33) are linked with said end wires (30) of said pulling bags (26)(26) pulled into said pulling slots (9)(9) other than said at least one pulling slot (10), and when said main wire end portion (32) with linked bent opposite end portions (unlabeled) linked is forced into said at least one pulling slot (10), said pulling bag (27) having said main wire end portion (32) inserted thereto is pulled into said at least one pulling slot (10).

With respect to claim 11, said at least one insert wire (11) is formed from a U-shaped single wire in that it is an embedded "stiff metal wire 11 which follow the outline of the three slots 9 and 10" (column 3, lines 27-28).

3. With respect to claim 15, Lhuissier et al. discloses a seat (1) comprising: a pad assembly (3) having a main portion (unlabeled) and side portions (8), the main portion being interposed between the side portions (8), the side portions including boundary portion pulling slots (9) wherein boundary portion insert wires (11) are disposed along

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bottom portion (unlabeled) of said boundary portion pulling slots (9), and the main portion (unlabeled) including a main portion pulling slot (10) disposed substantially perpendicular to the boundary portion pulling slots (9); a cover assembly (20) covering a surface (4)(6) of the pad assembly (3), the cover assembly (20) including boundary portion pulling strips (26) pulled into the boundary portion pulling slots (9) and a main portion pulling bag (27) (given that it is a "sheath" as described in column 4, line 57) pulled into the main-portion pulling slot (10), wherein boundary portion end wires (30) are stitched onto said boundary-portion pulling strips (26) and interlocked to said boundary portion insert wires (11) by way of rings (29); and a main-portion end wire (32) inserted into the main portion pulling bag (28), the main portion end wire (32) having a straight line portion (unlabeled) located within pulling bag (27) and opposite ends bent (33), the main-portion end wire (32) being placed into the main-portion pulling slot (10) with the bent opposite end portions (33) interlocked with the boundary-portion end wires (30) respectively.

Lhuissier et al. discloses all claimed elements with the exception of boundary portion pulling bags into which a wire can be inserted.

Mayuyama teaches the use of boundary portion pulling bags (15).

It would have been obvious to one of ordinary skill in the art at the time of the instant invention to modify the boundary portion pulling strips (26) disclosed by Lhuissier et al. into a loop like structure disclosed by Mayuyama. Such a modification would ensure that a damaged wire could be removed from the cover without destroying the cover.

4. Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lhuissier et al. (5,641,204) in view of Maruyama. Lhuissier et al. reveals all claimed elements with out specifically stating that main-portion end wire is made from an elastic material. With respect to claims 4-6, the main-portion end wire (32) is a "stiff metal wire rod" (column 4, line 57) which inherently will bend and then return to its original shape under reasonable loads. It would have been obvious to assume that the wire (32) was made of an elastic material because an elastic force in the wire (32) must be present in order to create some tension in the connection between the seat pad (3) and the cover (20).

5. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lhuissier et al. (5,641,204) in view of Maruyama and in further view of Mundell et al. (4,337,931). As disclosed above, Lhuissier et al., as modified, disclose all claimed elements with the exception of at least one insert wire comprises two insert wires.

Mundell teaches the use of two insert wires (10) located below slots (46) formed in seat cushion padding (38).

It would have been obvious to one of ordinary skill in the art at the time of the instant invention to use at least two insert wires as taught by Mundell in the seat assembly revealed by Lhuissier et al., as modified. Such a modification would ensure that if one of the insert wires were to break, the cover assembly 20 would still be tightly pulled into the seat by the attachment to the second wire.

Allowable Subject Matter

6. Claims 13-14 are allowed.
7. Claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Amendment/Arguments

8. The amendment filed on April 14, 2005 has been considered in its entirety. Remaining issues are detailed in the section above.

Applicant argues that Lhuissier, as modified, does not disclose a main portion end wire having a straight-line portion, bent portions and hook portions. The Examiner respectfully disagrees. Figure 3 best discloses how the main portion end wire (32) has a straight-line portion (unlabeled), a bent portion (unlabeled) and a hook portion (33). The straight-line portion is comprised of the segment of wire (32) just protruding from the sheath (27), the bent portion is comprised of the transition portion connecting the straight line portion to the hook (33).

Applicant argues that Mundell does not disclose at least two insert wires as required by the instant invention. The Examiner respectfully disagrees. Hog rings (50) pull cover member (48) downward into slot (46) and attach covering member (48) to insert wires (10) and (10). The Examiner agrees that elements (22)(26) and (32) are required to constitute a seat spring. In the above rejection, however, Mundell is relied

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upon for his teaching of two insert wires (10) (10) to which a seat cover (48) is attached by way of rings (50). Using two wires (10)(10) in place of a single insert wire would have been obvious since failure of the insert wire would be limited to a single side of the seating device if two insert wires are used as opposed to failure of both side of the seating device if a single wire made up the entire insert wire. The Examiner would like to clarify that the above rejection does not apply wires 22, 26 and 32 to the seat of Lhuissier et al. It merely applies the teaching of multiple insert wires (10) to the seat of Lhuissier et al.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sarah C. Burnham whose telephone number is 571-272-6854. The examiner can normally be reached on M-Th 7:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on 571-272-6856. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SCB
May 26, 2005


Peter M. Cuomo
Supervisory Patent Examiner
Technology Center 3600